THE MODE OF APPROACH OF THE MAITHILA-SMĀRTAS TO VARIOUS SOCIAL PROBLEMS*

By

Shri Joydeva Ganguly–Shastri

From the dawn of Vedic culture in Mithilā we have seen the appearance of two streams of thought so far as the religious life of the people was concerned. We have seen that of these two, one was the Vedic way of thinking and living, which Videgha Māthava, assisted by his priest Gotama Rāhūgaṇa, wanted to introduce by aryanising Mithilā and the neighbouring region in the East. The evidence furnished by the *Śatapath' Brāhmaṇa* shows that the land was inhabited by the non-Aryans whose way of living clashed with the Vedic way. The age of the great Yājñavalkya points to a flourishing condition of the Vedic religion. The religious and philosophical debates in which even ladies took part (as is seen in the *Brāhmaṇa* and in an *Upaniṣada*) attest to the above condition of the Vedic religion. As Yājñavalkya has been proclaimed to be the author of the *Śatapatha Brāhmaṇa* there is no wonder that in all the debates described in that particular work his opinion will weigh heavier than those of others. But even in those golden days of Vedic ritualism the non-Vedic sects were not sitting idle and in a short time Mithilā became the play-ground of various non-Vedic religious sects of which the most important one had Videha or its Northern border its birth place. Gotama Rāhūgaṇa was an instrument to the aryanisation of Videha (or Videgha) of which Mithilā was the capital city. But Gautama (literally born in the family of Gotama), the Buddha (i. e. Siddhārtha), led the non-Vedic movement against the Vedic ritualism. His mission was aided by the activities of the Jainas, Ājīvikas, Nirgranthas, Kāpilas, Sāṅkhyas, etc. Besides these, the *Mahābhārata* mentions the presence of the Kāpālikās also (*Mahābhārata*, Critical edn., *Śāntiparva*, Ch. 18, Verses 7, 10 and 11). All the above mentioned religious sects were some how or other anti-Vedic in their movements. From the *Rāmāyaṇa* episode of Rāma's breaking of Śiva's bow and victory over Paraśurāma we may assume that Vedic Vaiṣṇavism in the days of Dāśarathi Rāma succeeded in ousting the non-Vedic Śaivism which reigned

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in Mithilā for a prolonged period (and also in the neighbouring region as is clear from Jarāsandha's episode in the *Mahābhārata*). We can presume the improvement of the condition of the Vedic culture in the region with the propagation of the Dharmaśāstra of Manu which along with the later Dharmasūtras streamlined the progress of Vedic culture. But the situation changed a bit when the Dharmaśāstra ascribed to Yājñavalkya arrived in the picture. We say this because we have seen that Yājñavalkya made cognizance of the till then unaccepted source of Dharma namely the *Purāṇas*. The Purāṇic religion made so much headway that Yājñavalkya as a social reformer was bound to accept the validity of the *Purāṇas* and the Purāṇic religion. Things changed further when other Dharmaśāstras arrived, followed by the advent of simple commentaries, comentary-cum-digests and pure digests.

In all these works, a picture of the contemporary society, various problems mainly socio-religious therein, and the attempts of the law-givers to solve them can be visualised. The study of the Dharmaśāstra may, therefore, stand for the study of Hindu sociology in a broad sense. In the Maithila digests also we can expect presentation of various social problems and the efforts of the Maithila law-givers to solve them. The Maithilas, like the *Smṛti*-writers of other places, had a great desire to solve the problems connected with their religion and society. The treatment of the different topics in Maithila *Smṛti* connected essentially with the mode of living of the Maithilas, their rites and customs, taboos and totems, if any, supports the above hypothesis. Here we should not compare the Maithilas with Manu or Kauṭilya or with Baudhāyana who gave their opinions on *niyoga* or *Deśācāra* and thereby solved some of the problems of the contemporary society. But when the Maithilas wrote Manu's code failed to govern the society wholly and new problems crept out of the changed conditions. In the same way we may fail in this 20th century to assess the importance of the Maithila works and may not do justice to those writers. Thus, for example, we can hardly understand the arguments of older writers in support of *sahamaraṇa* or *anumaraṇa*. But these customs are cruel by nature and we may say that the writers who preached *sahamaraṇa* acted in a dogmatic way. Thus what is wrong to us was right to them (at least in some cases) and in judging the situations we shall have to see them in their proper perspective and then pass remarks thereon.

The different epochs of Indian history are famous for the diverse elements that made their presence felt by all. These elements tended to pro duce one unified whole that produced the unity in diversity, the much

acclaimed heritage of the Indian people, One such element was the momentum gathered by the popular religion, the religion of the so-called Pāṣaṇḍas, Pāśupatas, the Pāñcarātras, the Sāttvatas, the Kāpilas, the Bauddhas and others in the mediaeval period. In spite of the sporadic outbursts of orthodox scholars like Bhavadeva, Lakṣmīdhara, Aniruddha, Ballālasena, Halāyudha, Indrapati and others, to prop up the Vedic studies on purely orthodox lines, the same was continuously giving grounds to the intensive study of the extra-Vedic scriptures. Very naturally the *Purāṇas* record the stories of the conflicts of the rival groups headed by orthodox scholars and non-orthodox pedants. Even among the champions of the extra-vedic religion one wanted to oust the other. The Vaiṣṇavas preached that the garland of Śiva image was something like a taboo to them. The Śaivas preached that Śiva appointed Viṣṇu his D*vārapāla*. The Gāṇapatys spoke of a supreme god Gaṇapati and they imposed on him all the duties and paraphernalia of the supreme god. The Śāktas claimed that it was the primodial power (*Ādyā* Ś*akti*) that ruled the world and that the supremc power is represented even by the Vedic *Gāyatri-mantra*.

The important task of the lawgivers was to reconcile these sects and bring harmonious synthesis. That was done, but the credit of doing the work first should go not to the Maithilas but to those whom they followed. The process of reconciliation started long before the advent of the Maithila *Smṛti*. What the Maithilas can claim that with a bold step some of them adopted (of course with certain reservations) some extra-Vedic texts into the fold of *Smṛti*. In this respect the Maithila writers (like Srīdattopādhyāya, Caṇḍeśvara, Vidyāpati etc.) can claim superiority to the Gauḍīyas (like Śūlapāṇi) and Utkalīyas (likt Vidyākara and Narasiṃha). In this matter the credit should go to the Maithilas. This widening of the horizon of *Dharma-pramāṇa* was a novel element and we have discussed the relevant points connected with it (See my article :— "The Social and Religious Background of the Study of Smṛti in Mithilā" in OUR HERITAGE, Vol. X., pts I & II). This narrowed the gap between the rival groups and at least one socio-religious bottle-neck was removed. The system, however, acquired a conventional character when the later writers wrote. The method of arriving at a connected and unified meaning (*eka-vākyatā*) is a very old device adopted in Indian exegetic literature. But the same conventional way of approach acquired a new colouring when the Maithilas wrote.

This note of praise for the Maithilas, however, cannot always be maintained. Vidyāpati's Kīrtilatā gives a very dismal picture of the

Hindus suffering under the yoke of the foreign conquest. From this work we know that King Ga-aṇeśa (Gaṇeśa), father of Kīrtisiṃha was killed by one Muslim usurper named Aslan. In order to have the grievance remedied the prince sought the help of Sultan Ibrahim Shah of Jaunpur and eventually had his desire fulfilled. While describing this carnel of historical fact. Vidyāpati narrated some thing about the Turk soldiers and their oppression of the victims (i. e. the Hindus). We quote the following lines to give a picture of that:

"बाट जाइते वेगार धर ॥.......
धरि आनये बाँभन बड़ु-आ ।
मथा चडावए गाइक चुडुआ ॥
फोट चाट जनउ तोड़ ।
उपर चड़ावए चाह घोर ॥
घोआ उरि धाने मदिरा साँध ।
देउर भाँगि मसीद बाँध ॥
गोरि गोमठ पूरलि मही ।
पएरहु देमाए कठाम नही ॥
हीन्दू बोलि दूरहि निकार ।
च्छोटे ओ तुरुका भभकी मार ॥"[1]

The passage has thus been translated :[2] "The Turks compel men to serve them without payment......They fetch a Brahmin boy and place beef on his head. They lick out the caste mark on his forehead and tear asunder his holy thread (jane-u) and ask him to mount a horse. They raise mosques with the materials of temples. Graves and (broken and demolished) temples (i. e. debris) fill the earth and there is no space to put one's foot on. The language of the Hindus is given up and even the lowest Turk is displaying his pluck."

In the third *pallava* of the same work we are told the Brahmin princes stooped so low as to say before Ibrahim Shah that as they got the foot-board of emperor (i. e. of Ibrahim Shah) they fulfilled the obiects of their life (cf : '*ajja puṇṇa purisattha, pātiśāha-pāposa pā-i-a*'). The writer admitted in another place that while travelling with the Turks the princes had a good deal of difficulty in maintaining their *ācāra* (cf : *bahula*

1. Kīrtilatā (Ed. H. P. Shastri), text portion, p. 17.
2. Ibid., (English translation), p. 18. The portion belongs to the 2nd pallava.

ṭhāma phala-mūla-bhakṣi-a, tuluka-saṅge sañcāra parama-kaṭṭe ācāra rakkhi-a).

From the fourth of the last *Pallava* we know that the *Khundakāra* soldiers found no hesitation in violating the established order. The social and religious confusion and bungling that followed the treacherous killing of King Gaṇeśa have been described in the following lines (*Kīrti-latā*, 4th *Pallava*, pp. 31-32):

खुन्दकार कारण रण युज्झयी ॥
काँच मासुक बहुकर भोअण। कादम्बरि रसे लोहित लोचन ॥
जोअन बीस दिनद्धे धारथि। बगलक रोटी दिवस गमावथि ॥
बेलक काटि कामनहि जोले। धाञे चलथि गिरि उपर घोरे ॥
गोबम्भन बधे दोस न मानथि। परपुर-नारि बन्द कए आनथि।
....

अरु कत धाँगँड देखि अथि जाइतेँ। गोरु मारि मिसि मिलिकए खाइतेँ ॥
धागड़ कटकहि लटक बडतेँ जे दिसे धाउँ जाथि।
तं दिस केरा राए घर तरुणी हट्ट बिकाथि ॥
सावर एक होँ कतह्कि हाथ..............................
न दीनाक दया न सकतक डर। न बासि सम्बर न बिआहीँ घर ॥
न पापक गरहा न पुन्यक काज। न शत्रुक संका न मित्रक काज ॥
न थीर वचन न थोड ग्रास। न जललोभ न अपजस त्रास ॥
न सुद्ध-हृदय न साधुक-संग। न पीडँ बाँ-उ पसञो न युद्धभंग ॥ etc. etc.

This passage has thus been translated by Mm. H. P. Shastri : (In these noise nothing is heard). It is because of the *Khundakāras* that fight. They eat huge quantities of raw meat. Their eyes are red with wine. They traverse 20 *yojanas* in the course of half a day and they pass the day by eating the bread taken in their armpit. They cut creepers and use them as bow-strings. On horse back they cross over mountains. They find no fault in killing Brahmins and cows and they capture women of the enemies' city. Young Turks laugh loudly in merriment.........Many *Dhāṅgaḍs* were found going there and they were found to make a great feast by the slaughter of kine. The troops of *Dhāṅgaḍs* were busy, which ever direction they go the young women belonging to the royal families were sold in market. They had one chief who had many people under him. They put torn rags round their heads and thus increase its volume.

They go to distant and impenetrable places and light fire, they marry women and kill their children...... ....They have no kindness for the poor and no fear for the powerful. They keep nothing by for the morrow and they never settle down as householders by marrying. They have no aversion for sin and no liking for virtue. They fear no enemies and have no loyalty for friends. They have not hankering for fame and no fear for blame. Their heart is not pure and they never keep company of the good. They feel no compunction in oppressing others and they never fly from war......"

The above translation depicts the condition of the Hindus very clearly. It becomes evident that the young girls were openly bought and sold like any commodity in the market and that their condition was like that of the slaves. The Brāhmins were forced to eat beef and their sacred thread was torn. Vidyāpati was keen in describing the sad plight of the Hindus but to our great dismay he had no prescription to make. He had seen with his own eyes the persecution of the Hindus made by others but he feels no compunction as it were. The *Bṛhaddharma-purāṇa* in clear and unambiguous terms wants, its followers to remain quite prepared for self-defence. The Hindu society as described there appears still to be a living force. There martial activities have been enjoined for kings. But Vidyāpati is hopelessly callous and his followers are no exceptions. We should not say that the *Bṛhaddharma-purāṇa* describes the Hindu society before the coming of the Turks and, therefore, it had still some life in it. But the political conditions changed when Vidyāpati wrote. That is why the above description of the Kīrtilatā show the lamentable condition of the victims, how they were living and what treatment they received from their victors. There was largescale conversion. We know that in Gauḍa Yadunārāyaṇa, the son of Raja Gaṇeśa of Pāṇḍu-ā was converted to Islam and was taken back by some expiatory ceremony but ultimately he reverted back to Islam. Raghunandan made some arrangements by which persons forcibly converted could be taken back (as *Āpaddharma*). Thus he prescribed in his work *Prāyaścitta-tatva* where at the beginning Raghunandana promised to discuss the *Prāyaścittas* for various lapses as—

"प्रायश्चित्तविधिस्तत्रकृतघ्नस्यनिरूपणम् । जवनादेस्तथोत्पत्तिस्तद्दास्यादौव्रतं तथा ॥
अन्त्यजादेः स्त्रियःसंगेभोजने च परिग्रहे । चंडालस्पृष्ट-तोयादौ गोमांसादौ च भक्षिते ॥
... ...
प्रायश्चित्तविवेकादावन्यज्ज्ञेयं विचक्षणैः ॥"

Towards the end of the work he discussed the *Prāyaścitta* for eating beef :—

"गोमांसादिभक्षणप्रायश्चित्तं, सुमन्तुः··· गोमांसभक्षणे प्राजापत्यं चरेत् इति। इदम् अज्ञानतः सकृद् भोजन विषयम्। एतत् प्रायश्चित्तान्ते पुनरुपयनम् आह विष्णुः ॥···"

Raghunandana also referred to Mahāmahopādhyāya Śūlapāṇi in the same context :—

("चण्डालान्नभक्षण प्रकरणे उपनयनं चान्द्रायणसमम् इति शूलपाणिमहामहोपाध्याय-संकलनात्, संस्काराशक्तौ धेन्वष्टकं सार्धद्वाविंशति कार्षापणा वा देयाः" ॥)

After this he discussed the *Prāyaścitta* for tearing the *Upavīta* (willingly or unwillingly.) Thus he quoted from Hārīta (in the section beginning with the words : '*athopavīta-cchedana-Prāyascittaṃ kāmarūpīya-nibandhe smṛtisāgare*······') towards the end of the work :

"चंडाल–पुक्कश–म्लेच्छान्त्यज–कापालिकैस्तथा ।

छिन्न–यज्ञोपवीतो यः सोऽति कृच्छ्रेण शुध्यति ॥············

·········*ati-kṛcchre dve dhenū* ॥" Raghunandana also quoted from the works of Bṛhanmanu, Bṛhaspati and others to make an extensive treatment of the topic. Thus, we have in the work of Raghunandana the discussion on tearing of the *Upavīta* (cf :— '*jana-u toḍa*' in the *Kīrtilatā*) and eating (or forced feeding of) beef (cf :—*mathā caḍāba-e gā-i-ka cuḍu-ā* in the same context) of the Brāhmins, the two traditional ways of Hind torture adopted by the Muslims.

To our great dismay the learned scholar of Mithilā is silent. He understood that the Hindu Dharma suffered greatly, but still he played a silent witness to it. He could have prescribed the steps mentioned by Raghunandana (or any similar step) for taking back those who were forcibly converted. In fact the spirit of Vidyāpati's writing shows that he was almost blind to that problem. He did not think the real implication of the issue, hence he made no reference to *Prāyaśchitta.* But Raghunandana, the great social reformer of Bengal, found the necessity of prescribing the *prāyaśchittas* for various lapses and he did accordingly. But Vidyāpati in stead of incorporating the reformatory measures dealt with the conventional matters only in his Smṛtic works. His successor Vācaspatimiśra behaved equally hopelessly. He, in the *Kṛtyacintāmaṇi* gave the ruling "·म्लेच्छभाषांन शिक्षेत" ॥ As if abstinence from learning the Persian language (the then Mleccha tongue) would wipe out all the troubles of life. Judging from this standpoint the Maithila mode of approach to the most important socio-religious problem appears to be negative. The

Maithilas could not think of the danger coming from the forced conversion made by the foreign missionaries. This way of conversion, if carried on a large scale, could have wiped away the Hindus from their own land. But thanks to the religious teachers like Gaurāṅgadeva, thanks to the inherent capability of Hinduism, the synthesizing faculty that can have tolerance and accept the best part of others, Hinduism still survives.

Similar danger befell the Hindu society when the Christian missionaries carried on their baptising in an apparently non-violent way. Then, even the most progressive laws of Raghunandana ceased to have any effect on the society. The fact is that with the change in time the society also changes and it requires changes in the laws at the same time. If no change is made, the law is sure to be neglected. President Radhakrishnan is quite correct when he says that modern India requires a new *Gāyatrī-mantra* not only for the Brāhmins but for all the Indians. India of the 20th century requires a new *Manu-saṃhitā*. By this it is not suggested that the essence of Hinduism changed its colour or that the implication of the *Upaniṣads* or the sacred scriptures were falsified but that the nature of the people changed and in this change they were forced by their environments. When the Christians came, the so-called enlightened people could not find a great champion of the *Sanātanadharma* in the orthodox society, the rational (?) approach of the missionaries appealed to them more intensively. So Raghunandana also failed at that time and we have got Raja Rammohan Ray as our saviour at that time. He was followed by others of whom Lord Ramakrishna Paramahamsa of Dakshineswar and his world famous disciple Svami Vivekananda were the most famous. Eminent Brahmo leaders like Maharsi Devendranath (father of Rabindranath), Sivanatha Shastri, Keshub Chandra Sen and others were there but the most liberal religion of Ramakrishna (cf. *Yata mat tata path*, "i. e. all the different religions lead to the same god) synthesized in it the essence of all religions. In the words of a great scholar of our Country, if Rammohan represented the antithesis to the dogmas that deteriorated the Hindu society, Ramakrishna stood for synthesis. What we want to say by all these is as follows : When religion was a dominant factor in the society and whenever an attack came from the outside against that religion, the Gauḍīyas reacted strongly and displayed alertness of mind. We could not detect similar alertness in the Maithilas of the mediaeval period. Their approach was not only negative but also boring. Their elaborate discussion on *Ghaṇṭāvādana-vidhi* (in the *Dharmādharma-prabodhinī*), the merits of donating dancing girls to Śiva shrines, the merits of facing a particular direction during diurnal urination show how callous these law-

givers were to real problems of life.

Śaṅkaramiśra knew this and he understood that few people cared for '*mūtra-purīṣotsarga-vidhi*' or such other topics and there were many who did not observe the rules at all. Hence he made a necessary abridgement of the important rules and remarked at the end of his *Chandogāhnikoddhāra* "एतावत्यपिकृते न प्रत्यत्रेयात्, अन्यथा तु प्रत्यत्रेयात् ॥" Rudradhara clearly admitted that the people became lazy and tried to avoid the (bulky) works like *Ratnākara*, *Pārijāta*, *Mitākṣarā*, *Hāralatā* etc.

(सन्त्येव रत्नाकर-पारिजात-मिताक्षरा-हारलतादयोऽन्ये ।
तथापि तत्रालसमानसानां भवेत प्रमोदस्य ममप्रयासः ॥ रुद्रधर's शुद्धिविवेक) ।

Yet the Maithilas did not lack the energy to compile new digests and of course with stricter rules. Any lapse on the part of a Hindu meant the loss of his caste and consequent dishonour and this condition was fully utilised by the foreigners. They were always ready to accept the outcastes into their folds and turn them into neophytes. What a difference in attitude!

But we must not forget here that the age of creative genius was no longer present. No exceptionally brilliant writer of the calibre of Manu or Yājñavalkya was present there. It appears that the activities of the Maithila Smṛti-writers revolved round the feudal lords of Mithilā. These rulers were Brahmin in descent and having been ousted from political power they engaged themselves in discussion which were considered religious. Therefore their idea of the world held by Dharma specially the *Varṇāśramadharma* did not change even though great political changes took place.

The different types of marriage presuppose the presence of the caste system. In Manu's time the caste system was there but when the Maithilas wrote the old order changed a good deal. The works of Vidyāpati (*Kīrtilatā* etc.) and of Jyotirīśvara (*Varṇaratnākara*) mention several sub-castes. The *Bṛhaddharma-purāṇa* of Bengal, although mentions several subcastes as Tāmbūlin, Tailika etc., says that there were only two castes, viz., Brahmins and Sūdras. Such being the case the discussion of the old forms of marriage in the digests of mediaeval period becomes useless. But Caṇḍeśvara elaborately discussed the rules of marriage in his *Gṛhasthāratnākara*. The description of the censured types of marriage (as the *pratiloma* marriage) in the older works has got some justification. The Maithilas do not appear to have given any recognition to the *pratiloma* types of marriages yet they did not fail to discuss them. They prescribed the union of a Śūdra woman with a Brahmin, yet they narrated this as

if this was practised on scriptural basis and they made no arrangements to give honourable status to the off-spring of such union. Vācaspatimiśra in his *Sambandhacintāmaṇi* on the basis of the words of Manu (III. 24) prescribed *Āsura, Rākṣasa, Gāndharva* and *Paiśāca* forms even for a Brahmin. [यत्तु चतुरोब्राह्मण स्याद्यान् प्रशस्तान् कवयो विदुः ।
राक्षसं क्षत्रियस्यैकं आसुरं वैश्य - शूद्रयोः ॥
इति मनु वचनं तत् प्राशस्त्य परम् । एतेन द्विजातीनाम् आसुरादि विवाहे न दोषः"— सम्बन्ध चिन्तामणि of वाचस्पति मिश्र, p. 37.]

Śaṅkara, the son of Sudhākara, boasts in his *Smṛti-sudhākara* that even upto his time the Brahmins practised the *prājāpatya* form. If he is right then the words of Vācaspati appear to be gratuitous, if on the other hand Vācaspati is correct in his statement based on real experience then Śaṅkara becomes responsible for terminological inexactitude.

The indifference of the digest writers becomes clear when we apply the test of the present century. They wrote every thing for the Brahmins only. Śūdras were treated non-entities as it were. The cause for this is to be sought not only the special treatment meted out to the Brahmins in the *Manu-saṃhitā* but also in the Brahmin descent of the royal patrons of the writers. The funny thing is that when the Brahmins and the Śūdras were treated with equal contempt by the foreigners, the Maithilas gave out in a solemn voice that the Śūdras who had the audacity to read and teach Veda would be punished severely (cf :—the section on verbal assault in the *Vivādacintāmaṇi*). The Śūdras were given no right to become the *Prāḍvivāka*. Rudradhara with greatness of heart gave out in his *Śrāddhaviveka* (p. 18) शूद्रस्य वृषोत्सर्ग वाक्ये एव वेद पाठाधिकारो नान्यत्र इति सर्वप्रामाणिक सिद्धम् ॥

One special feature of the Hindu society was the custom of polygamy. In that context Caṇḍeśvara's discussion about *adhivedana* (supersession of the first wife by a second marriage) and *adhivinnāstrī* in his *Gṛhastharatnākara* comes very near the present day concept of giving compensation. So from this standpoint at least we may say that the Maithila way of judging problems was not always vague. But curiously enough no provision for widow remarriage has been made. Manu (IX. 79) mentioned the wives of mad men, outcastes, eunuchs etc. but he did not give the wife the power to divorce her husband. Kauṭilya (III. 3) indirectly accepted divorce in the case of censured types of marriage (अमोक्षो धर्मविवाहानाम् ॥) Caṇḍeśvara says that all facts relating to the

wife must be made known and no defects of either party should be kept concealed, and in default punishment has been prescribed by him. But the Maithila *Smārta*, in spite of his devotion to the traditional laws, could not disallow human considerations from dictating terms in certain cases. So we can have that if a defect of the bride is formerly concealed but subsequently discovered by the husband who finds no fault with it or that in the mean time a progeny has come out no penalty has been prescribed. The lawgiver could not prescribe stern attitude against the very common and venial human lapses for they knew that for the protection of the society, the conjugal and family life should be protected. In the present day also the judges try to protect the marriage tie by restoration of conjugal life, persuation etc., but in spite of that divorces are increasing every day. In the present day divorce suit can be filed not only on grounds of incompetency but on grounds of torture, bad character etc., by either party. In the Maithila digests we have that if the bride appears to be of bad character or to have been condemned as ghost etc. then she could be discarded.[3]

The preparation of lengthy digests on civil and criminal law concerning property, debt security, unowned goods, contracts, commercial law, donations, theft, crimes of grave misdemeanour, punishment, justice, evidence etc. shows that these digests were not meant to satisfy personal whims only. The Maithilas formed their own sub-school of Hindu Law. They differed from the *Gauḍīyas* but in this matter they were extremely indebted to Laksmidhara's *Kṛtyakalpataru*. That the Maithilas were not always blind to problems of life becomes evident fact that Vardhamāna in his *Daṇḍaviveka* included in the list of *Prakāsa-taskaras*, persons like traders and manufacturers, physicians and druggists, false arbitrators and witnesses, Māntrikas and Tāntrikas etc. The evil effects of these persons who move freely in the society in the guise of honest citizens need not be discussed here. Vardhamāna, therefore, deserves our congratulations for cautioning the society against these people.

But sometimes the attitude of these scholars was more normative

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3. "विधिवत् प्रतिग्राह्यापित्यजेत् कन्यां विगर्हिताम् । विप्रदुष्टां व्याधियुक्त। छद्मनाप्रतिपादिताम् ।। विप्रदुष्टाम् अन्यगतभावाम् । डाकिन्यादिप्रवादवतीम् इति कश्चित् ।।" गृहस्थरत्नाकर, पृ० ५३. The meaning creates confusion. The word प्रतिपादिताम् usually indicates conclusion of the marriage rites. but प्रतिग्राह्या shows the stage just before marriage. In the second case the passage will not refer to divorce. The passage may, however, be explained in a round about way to give the desired interpretation.

than positive. How else can we account for the condemnation of the *Gauḍīya-smṛti* made by Śrīdatta (in his pitṛshakti, Chandogāhnika etc.), Harinatha (in his *Smṛtisāra*) and others ? In view of the fact that almost all of the important Maithila writers of *Smṛti* have drawn upon *Gauḍīya-smṛti*, the censure against the *Gauḍīya-smṛti* appears ridiculous. When Śrīdatta himself incorporated so many *Gauḍīya-vacanas* in his works he ought not to have derided the *Gauḍīyas* so squarely.

One proof of the progressiveness of the Maithilas is the composition of some books (like the *Varṇaratnākara*, *Kīrtilatā*, Vidyapati's songs etc.) in the vernacular. In fact Vidyāpati declared in his *Kīrtilatā* that the vernacular was the sweetest of all the languages :—*desila vaanā Sabajana miṭṭhā* । *te taisana jampaño abahaṭṭhā.* ॥ But this redeeming feature does not come under the scope of our present study. But even then the evidence of the *Varṇaartnākara* shows that the Maithilas were mentally living in the golden age of Hindu supremacy. That attitude of the Maithilas was their distinguishing feature. They stood like something unchangeable. The introduction of Kulinism was made by King Ballālasena in Bengal and by Harisiṃha in Mithilā.[4] As a natural corollary the elaborate system of *Pañjī*-keeping with all its demerits came out. The society became divided and the Brahmins alone were divided into four groups.—[5] (i) Srotriyas, (ii) Yogyas, (iii) Pañjībāndhs and (iv) Jaibārs. The aim of introducing Kulinism was to maintain the purity of blood, but the desired result did not come. The system produced (as in Bengal) persons of the types of Vendors[6] or the *Bikau-ā*, the term contemptuously used to mean such persons who sometimes married forty to fifty girls. Kulinism was meant to be based on religious observances, virtuousness etc. but in reality it became hereditary and malpractice crept into it. In Bengal a drama, *Kulīna-kula-sarvasva* was written by Pandit Ramnarayan Tarkaratna depicting the evil effects of Kulinism. To add to it the Purdah system appeared increasing the miseries of the womanfolk. It was the land where ladies took part in open debates but in course of time they were forced into the inner apartments and we do not have any positive evidence to show that daughters of ordinary men were given the chance to educate themselves. Some one may argue that queens like

4. History of Maithili Literature (J. K. Misra), Vol. I. p. 27, and History of Mithilā (U. Thakur), p. 358.
5. Historory of Mithila, p. 360.
6. Ibid., p. 364.

Viśvāsadevī or Dhīramatīdevī were learned ladies and they composed books. But we have seen elsewhere that the real writers of the those books ascribed the authorship of the works to their bounteous royal patrons. On the otherhand, child marriage which baffles female-education, seems to have been the common practice. But this was a feature not only of the Maithilas and the devotion to tradition is the cause for the retention of this practice.

In Bengal Śrāddha is done with the help of *Darbha-baṭu*, i.e. *Pātras* do not come to officiate in the *Śrāddha*. In Mithilā *Pātras* come to represent the departed and the gods and naturally those Pātras possess high moral virtues and other qualities. Hence the *Śrāddha* digests always give a list of such Brahmins as can be invited or discarded in the ritual. We feel encouraged to see that the long list of *Niṣiddha-Brahmins* in Rudradhara's *Śrāddhaviveka* (and in other works also) takes note of such vitiated persons as black-marketeers, profiteers, rebels and other types of vicious Brahmins. They were thus socially punished for their misbehaviour by the inclusion of their names in the list of "*śrāddhe niṣiddha-brāhmaṇa*".

The mediaeval digests of Smṛti on *Dāna* create our headache. The names of the objects of gift are fabulous and the reference to their "*Śāstrīya-mūlya*" in the present day calendars of Bengal (at least) provokes laughter and courts censure from critical persons (Thus Rs. 2-00 may be given as the "*Śāstrīya-mūlya*" of the cow.). The *Mahādānas* are really great gifts necessitating huge expenditure and only kings or rich persons could perform these acts. Ballālasena wrote one *Dānasāgara* and his Naihati Copper-plate inscription[7] records the grant of the village Vāllihiṭṭā to Ācārya Ovāsudevaśarman on the occasion of the *Hemāśvadāna* ceremony performed by the King's mother during a solar eclipse : "भारद्वाजसगोत्राय भरद्वाजांगिरसबार्हस्पत्यप्रवराय.......सामवेदकौथुमशाखाचरणानुष्ठायिने आचार्य श्री ओवासुदेवशर्मणे अस्मन् मातृ श्रीविलासदेवीभिः सूर्योपरागे दत्तहेमाश्वमहादानस्य दक्षिणात्वेन उत्सृष्टः.......।।"

Therefore nobody should question the competence of his preparation of a *Dāna*-digest. Laksmīdhara whom the Maithilas closely followed was attached with an independent king. Caṇḍeśvara himself did the Tulāpuruṣa ceremony and, therefore, he could write the *Dānaratnākara*. But what about others like Rāmadatta, Vidyāpati or Vācaspati ? Their composition of works like *Ṣoḍaśā-mahādāna-paddhati*, *Mahādānanirṇaya* or

7. Epigraphia Indica, XIV, pp. 156-163 and Inscriptions of Bengal, III p. 68 ff.

Dāna-vākyā-valī finds little justification. For the works were written only for the kings and the learned lawgivers non-chalantly bypassed the ordinary people and with great verbosity enumerated gift like सप्तसमुद्रदान हेमहस्तिरथदान, विश्वचक्रदान etc. etc. They did it possibly to avoid the plebian character of themselves. If the Maithilas really cared for the people of ordinary rank they would have omitted the descriptions of the *Mahādānas* and would have remained content with descriptions of gifts of less costly things like masūra, tila etc. The giving away of these cheap articles is within the reach of every purse. But (excepting perhaps Vidyāpati only) no Maithila did that. It is very pleasing to note that at least one Gauḍīya writer, i. e. Govindānanda Kavikaṅkaṇācārya in his *Dānakriyā-kaumudī* omitted the *Mahādānas* on the above-noted ground. "तुलापुरुषादि षोडश महादानानि धान्याचलादि-दशविधाचल दानानि मत्स्यपुराणोक्तानि महागजेत-रासाध्यानि अत्रोपेक्षितानि महादानपद्धतौ द्रष्टव्यानि, अन्यानि दानानि यथायथम् आकरेषूह्यानि ॥"[8] Vijñāneśvara was also perhaps of the same view and that fact may account for his short comments on the portions dealing with *Dāna* in the *Yājñavalkya-smṛti* (I. 198-216). The writer of the *Apārarkaṭikā* who happened to be a king, however, made extensive comments on the same 19 verses of Yājñavalkya and virtually prepared an indepependent digest on *Dāna*. So the difference in attitude caused this difference. But the Maithilas displayed lack of realistic attitude.

There cannot be any doubt that the orthodox people always discouraged polyandry or anything that resembles it. So they did not bother about prescribing *śuddhi* or *aśuddhi* for those living a polyandrous life. But Aniruddhabhaṭṭa of Bengal in his *Hāralatā* (p. 80) made provision for *aśuddhi* in one such case. This shows that he recognised the polyandrous union at least tacitly and, therefore, prescriled *aśuddhi* of a person who marries the wife of another man and raises children in her. This was very progressive, rather ultra-up-to-date in the eyes of the mediaeval *Smārtas.* But they also felt that Aniruddha chose the right track and of the Maithilas Vācaspati was the *Smārta* who referred to it. But he seems to have had some hesitation and the arrangement of words in the *Suddhicintāmaṇi* betrays that :—"अनिरुद्धस्तु परिणेतृ जनितेन पुत्रेण सह अन्यमाश्रितायां तेनापि स्वपुत्रे जनिते द्वयोरपि पुत्रयोः प्रसवे मरणे च द्वितीय पितुस्त्रिरात्रम् अशौचम् ॥" (*Suddhicintāmaṇi*, p. 39). If Vācaspati did not like second marriage of women, what then is the justification for quoting the passage above noted. It would be rash to claim the correct deciphering of Vācaspati's mind at

8. Govindānanda's Dānakriyā-kaumudi (ed. Bibliotheca Indica), p. 86.

this age. But the general treatment of subjects by Maithila writers shows that Vācaspati did not like the unholy union. But let us remember that the *Brahmavaivarta-purāṇa* speaks of the Jolās and Śarākas who came out of Hindu Muslim union. This callousness to real problems that befell the Maithilas was the speciality of the period. It was absent in the epic period, but it made its presence felt in the age of decadence. In that age what the Mahāmahopādhyāyas did ? They made specialisation in Navya-nyāya and Navya-smṛti and took particular care that nobody could take out books on Navya-nyāya out of Mithilā. They formulated principles on the '*ghaṇṭāvādanavidhi*' what results could be expected if a black cow in stead of a white or tawny was given away, what harm was there if one omitted the words '*asmat*' and '*namaḥ*' in the '*śrāddha-dāna-vākya*'. '*amuka sagotro*' *smat-pitā amuka-śarmā tṛpytam, idaṃ tilodakaṃ tasmai svadhā namaḥ*.[9] On levirate the view of the Maithilas is not very clear. *Niyoga* is a *Kalivarjy ı*. Yet on the eligibility *Aurasa*, *Kṣetra*ı *ı*, *Sāgnika* and other types of sons to perform *Śrāddha* of their father (*Kṣetrin* or *Bījin*) the Maithilas have made long discussions. Śrīdattopādhyāya, Caṇḍeśvara, Harinātha, Rudradhara, Vācaspati, Gaṇeśvaraṭhakkura all are hotly engaged in discussing whether the *Ksetrājā* (and the *Aurāsā* son of course) son should perform the *Ekoddiṣta* or the *Pārvana* of his father. It appears that they discussed it because the older writers also discussed it. The problems of the worldly life could not evoke their attention. The Vedic age of optimism and healthy joy in the worldly life of beauty was not there. The intervening centuries have marred the joyous spirit by the pessimistic philosophies. The Buddhist teaching that all the world is a place of sorrow cast a gloomy shroud all over Indian thinking. The evils of monastic propaganda was there at their height. Hence the present world was lost and discussion on matters regarding the blissful life in the other world carried the *Smṛti* digests to the stage of Ne Plus Ultra.

But even then the greatest achievements of the Maithilas is the attempt to keep the *Varṇāśramadharma* in its (proper) place. They wanted to fight the non-orthodox ideas by increasing their faith for the path covered by their illustrious ancestors. It might have been retrograde but the spirit of the Maithilas must not be taken amiss. The presence of a large number of *Smṛti* manuscripts in Mithilā shows that the Maithilas in their peculiar bent of mind liked the works and we are not to blame the writers for composing many digests identical in matters. Their idea of social problem was different from ours. In reality they wanted to give

9. Candesvara did not like the word 'sagotra', he used the word 'gotra' for it.

Dharma a higher status than *Artha.* They wanted to sustain *Dharma* and be sustained by *Dharma*, breath in *Dharma* and live in the same and it is needless to repeat that they had a different idea of *Dharma.* So they did not hesitate in discussing विण्मूत्रोत्सर्गविधि or similar topics. In course of that they tried to solve their own problems in their own way i. e. as much as could be permitted within the boundry of a *Dharmanibandha.* Thus :—

(a) They accepted the authority of the Tantra Pāñcarātra and Pāśupata texts.

(b) They established *Pañcopāsanā* in a large scale and they avoided sectarian strife which hindered the harmonious synthesis.

(c) They made elaborate laws of *Dharma* to be observed in their day-to-day life, for it was the essence of Maithila life. Whenever people felt disgust for the bulky works some redactors (like Śaṅkara Miśra, Rudradhara and others) would come and do the necessary job.

(d) In those days when education was confined to Sanskritic studies (Persian being then probably not in the place of prestige) their works helped in the advancement of learning.

(e) The society as a whole might have remained stagnant but individual writers like Śrīdattopādhyāya &c. were like revolutionaries.

Hence the Maithila approach to social problems, in which there was queer amalgam of positivism and revivalism, may be called an OMNIUM GATHERUM.
